**THE HONOURABLE SHRI JUSTICE R.SUBHASH REDDY**

**WRIT PETITION No. 20551 OF 2007**

**Dated 19th November, 2007**

Between:

Smt. Vijaya Lakshmi

…Petitioner

And

The Commissioner of Police, Cyberabad and others.

…Respondents.

**ORAL ORDER:**

In this writ petition, the petitioner seeks a declaration by way of mandamus that the action of the respondents in not giving protection to the petitioner to enter into her premises bearing No.10-2-282 (New) and old No.10-2-70 situated at Lingojiguda village, Saroornagar Mandal, Ranga Reddy District is illegal and arbitrary.

The petitioner claims to be the owner of the premises bearing No.10-2-282(New) and 10-2-70 (Old) situated at Lingojiguda village, Saroorangar Mandal, Ranga Reddy District, having purchased the same under registered Sale Deed dated 16.12.1996 vide document No.392 from its earlier owner Jahangir Sultana. It is stated that the total area of the premises is 520 sq. yards and part of the premises was occupied by the impleaded respondent No.8 as a tenant. For eviction of the 8th respondent, the petitioner had already filed R.C.No.18 of 1999 before the Principal Junior Civil Judge-cum-Rent Controller, Ranga Reddy District at L.B.Nagar and it is stated that eviction was ordered and the appeal preferred by the eighth respondent is pending consideration. At that stage, on the ground that the premises is in dilapidated condition, on the application of the petitioner, the Municipality has taken steps for demolition. While it is the case of the petitioner that though she is the original owner and possessor of the land, she is being prevented to enter into the premises and construct a compound wall, it is the case of the eighth respondent that though he was the tenant and in occupation, without proper notice, the structures were removed illegally.

Even according to the petitioner, the premises were demolished only on the application of the petitioner. In that view of the matter, if the petitioner intends to make any constructions by

raising compound wall, it is open for the petitioner to seek permission by filing application before the appropriate authority and if such application is filed by the petitioner, it is also open for the competent authority to consider the same. But, in view of the rival claim for possession by the petitioner as well as the eighth respondent, no direction can be given as sought for, for granting protection of the open plot.

Therefore, keeping open to the petitioner to take steps available to her under law, the writ petition is disposed of. No costs.

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19-11-2007 **R.SUBHASH REDDY, J.**

**VR**